

## **VACCINE EXEMPTION FAQ**

*May 13, 2021*

Starting Friday, May 14<sup>th</sup>, all Chicago businesses will have the option of taking advantage of a new Vaccine Exemption. This FAQ provides an overview of the Vaccine Exemption and how businesses can stay compliant. *Note- this guidance is subject to change.*

### **What is the Vaccine Exemption?**

- Fully vaccinated individuals do not have to count towards COVID-19 capacity limits across all industries.
- Bars, restaurants and other establishments that allow onsite consumption of food or alcohol can increase table or party size above the limit of ten if all patrons age 16+ at that table or within that party are fully vaccinated.
- Establishments with a late-hour liquor license can operate without hour restrictions if only fully vaccinated patrons are allowed to enter.

### **Are businesses required to take part in the Vaccine Exemption?**

- No. If a business chooses not to take part in the Vaccine Exemption, then they should follow the Chicago Bridge Phase guidelines.

### **When does the Vaccine Exemption come into effect?**

- The Vaccine Exemption comes into effect when Chicago enters the Chicago Bridge Phase on Friday, May 14, 2021.

### **What does “fully vaccinated” mean?**

- Individuals are considered fully vaccinated 14 days after their final dose of the COVID-19 vaccine. The final dose is defined as the second dose of a two-dose vaccine (i.e. Pfizer or Moderna), or the first dose of a one-dose vaccine (i.e. Johnson & Johnson).
- To be fully vaccinated, an individual must have received a vaccine that has been approved by the World Health Organization for emergency use. As of May 13, 2021, the following vaccines are acceptable: Pfizer/BioNTech, Janssen (Johnson & Johnson), Moderna, AstraZeneca-SK Bio, Serum Institute of India, and Sinopharm

### **Is there a standard way to verify that patrons are fully vaccinated?**

- Following full vaccination, individuals receive a vaccination card from the administrator of the vaccine. At this point, there is no uniform proof of vaccine. Vaccination card, photo/photocopy of vaccination card, or other printout/photo/electronic proof of vaccine records with the patron's name are some acceptable methods of demonstrating fully vaccinated status. Businesses may develop methods to evaluate authenticity of the documentation provided.

**How are businesses supposed to track individuals who received vaccinations?**

- Businesses are responsible for managing their capacity and admission procedures within their establishment to establish a protocol and system to verify proof of completion of COVID-19 vaccination plus 14 days. Businesses should evaluate privacy concerns to implement a reliable method to manage proof of vaccinations.
- If businesses opt to establish a system of checking proof of vaccination to permit greater capacity, businesses should evaluate all applicable data privacy laws for retention of the information. Businesses that choose not to take advantage of the Vaccine Exemption are not required to ask patrons for proof of vaccination.

**What records should a business check and retain to comply with the Vaccine Exemption?**

- Similar to displaying a driver's license to show proof of age, individuals would show proof of vaccination prior to entry. Retaining a copy of the record is not a requirement of compliance with this option. Businesses that have registration options for an event, could have a self-reporting function on the registration that the individual would check a box during the registration and then at the time of the event, provide the proof prior to entering the event. Clear communication to attendees on this requirement and expectation to bring the documentation with them for the event is recommended. Please consult an attorney with any data privacy or HIPAA compliance questions.
- At minimum, businesses are required to track which customers are under vaccine exemption during their time in the establishment and demonstrate the process to on-site investigators upon request. Additionally, customers should be prepared to show proof of vaccination that matches the information tracked by the establishment.

**Who is responsible for ensuring that individuals are fully vaccinated?**

- If an establishment is licensed by BACP, then the licensed entity is responsible for ensuring that individuals are fully vaccinated if they want to take advantage of the Vaccine Exemption.
- If an establishment is not licensed by BACP (i.e. an office or a Place of Worship), an on-site designee of the building owner or lease holder is responsible for ensuring that individuals are fully vaccinated if they want to take advantage of the Vaccine Exemption.

**Does an establishment need to be licensed by BACP in order to take advantage of the Vaccine Exemption?**

- Provide that a business license is not required for their business activity (i.e. Places of Worship), an establishment does not need to be licensed in order to take advantage of the Vaccine Exemption.

### **How does the Vaccine Exemption affect table size limits?**

- In the Chicago Bridge Phase, table or party size at bars, restaurants and other establishments that allow onsite consumption of food or alcohol remains limited to no more than ten people at tables and six people at bars/counters.
- If an establishment chooses to take advantage of the Vaccine Exemption, table or party size can increase above these limits only if every patron within a party that is 16 or older is fully vaccinated.
- If any member of a party is over the age of 16 and unvaccinated, then party size limited to no more than ten people at tables and six people at bars/counters. Unvaccinated individuals are allowed within these larger parties only if they are under the age of 16, and there can never be more than ten people at a table or 6 people within a party at a bar/counter.

### **How does the Vaccine Exemption affect operating hours for bar and restaurants?**

- In the Chicago Bridge Phase, bars, restaurants and other establishments that sell alcohol for onsite consumption can resume normal hours of operation. This means that they can stay open until 2:00 am Monday mornings through Saturday mornings and 3:00 am Sunday mornings.
- Establishments with a Late Hour Liquor License can operate without hour restrictions if only fully vaccinated patrons and no unvaccinated patrons are permitted to enter. This means that they can stay open until 4:00 am Monday mornings through Saturday mornings and 5:00 am Sunday mornings only if all patrons are fully vaccinated during the late hour operations.
- As long as all patrons are fully vaccinated, establishments are not subject to COVID-19 capacity limits or table size limits. Six feet must be maintained between parties, and face coverings must be worn at all times except when actively eating or drinking.

### **Do fully vaccinated individuals need to follow other COVID-19 regulations?**

- Yes. Fully vaccinated individuals do not count towards COVID-19 capacity limits, but other COVID-19 regulations must be followed. This includes the following:
  - o Six feet of social distancing must be maintained between different parties. Individuals cannot intermingle with people outside of their party without social distancing.
  - o Tables must be spaced so that patrons are six feet away from patrons at other tables, even if patrons are fully vaccinated.
  - o Face coverings can only be removed in limited circumstances such as when patrons are eating or drinking. They must be worn at all times when within six feet of employees or individuals from different parties.
- Full regulations for all industries can be found at [Chicago.gov/reopening](https://www.chicago.gov/reopening).

### **Do establishments need to follow other COVID-19 regulations if all patrons are fully vaccinated?**

- Yes. Even if all patrons are fully vaccinated, establishments must follow all COVID-19 regulations except for those explicitly stated in the Vaccine Exemption.

**If an establishment takes advantage of the Vaccine Exemption, is there a cap on the number of vaccinated individuals they can allow on premises?**

- Establishments are required to maintain six feet of social distancing between groups.
- Establishments that allow onsite consumption of food or alcohol must maintain party size limits, unless all patrons 16+ within parties are fully vaccinated.
- Additionally, capacity may not exceed the maximum legally established capacity.

**How does the Vaccine Exemption apply to standing areas?**

- In the Chicago Bridge Phase, standing areas can open at 25% capacity at bars, restaurants, venues and other establishments. Parties must be placed at standing tables, and parties are limited to ten people.
- If an establishment chooses to take advantage of the Vaccine Exemption, patrons that are fully vaccinated do not count towards capacity limits at standing areas. Additionally, if all patrons 16+ are fully vaccinated, there is no cap on party size within standing areas.

**How does the Vaccine Exemption apply to Theaters and Performance Venues?**

- Theaters and Performance Venues are limited to 60% capacity in the Chicago Bridge Phase. If an establishment chooses to take advantage of the Vaccine Exemption, guests that are fully vaccinated do not count towards the 60% capacity limit.
- If food or drink is being served or consumed, Theaters and Performance Venues must follow the regulations for Restaurants and Bars:
  - o Standing areas can open at 25% capacity, with parties at standing tables. If an establishment chooses to take advantage of the Vaccine Exemption, patrons that are fully vaccinated do not count towards capacity limits at standing areas.
  - o Parties are limited to ten people. If all patrons 16+ are fully vaccinated, there is no cap on party size within standing areas.
- If food or drink is not being served or consumed, patrons can be standing, with six feet between parties.

**How does the Vaccine Exemption apply to Indoor Recreation?**

- Indoor Recreation establishments are limited to the lesser of 50% capacity or 100 people in the Chicago Bridge Phase. If an establishment chooses to take advantage of the Vaccine Exemption, guests that are fully vaccinated do not count towards the 50% limit or the 100 person cap.
- Areas within Indoor Recreation establishments in which food or drink are consumed must follow the regulations for Restaurants and Bars:
  - o Standing areas can open at 25% capacity, with parties at standing tables. If an establishment chooses to take advantage of the Vaccine Exemption, patrons that are fully vaccinated do not count towards capacity limits at standing areas.
  - o Parties are limited to ten people. If all patrons 16+ are fully vaccinated, there is no cap on party size within standing areas.